

Minutes of the Maine Real Estate Commission

NOVEMBER 18, 2004

MEMBERS PRESENT

Earl Black
David Kitchen
Sharon Millett
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Carol Leighton, Director
Karen L. Bivins, Deputy Director
Judy Brown, Examiner
Robert Perkins, A.A.G.
Susan Greenlaw, Secretary

MEMBERS ABSENT

Location: Central Conference Room

Start: 9:03 a.m.

Adjourn: p.m.

Minutes – October 28, 2004

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to approve the minutes of the October 28, 2004 meeting as written. Millett abstained. Motion carried.

Agenda Modifications

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to add the following to the agenda. Unanimous.

Proposed Consent Agreements

- #2002-121
- #2003-017
- #2003-021
- #2004-142
- #2004-144

Proposed Dismissals

- #2003-035
- #2004-131

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to add the following to the agenda. Unanimous.

- MREIS rule

Hearings

The Chair opened the hearing in the matter of Michael Brown v. Director. Mr. Brown was present. The Director was present. Assistant Attorney General Robert Perkins attended as counsel for the Commission. Public deliberations were conducted at the close of the hearing. A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to grant Mr. Brown's appeal and approve for licensure. Black, Mitchell, and Stevens voted in the affirmative; Kitchen and Millett opposed. Motion carried.

The Chair opened the hearing in the matter of Director v. Camillo Breggia. The Director was present. Assistant Attorney General Robert Perkins attended as counsel for the Commission. Ms. Breggia was not present nor represented by counsel. David Kitchen recused and left the room. Public deliberations were conducted at the close of the hearing. A motion was made by Sharon Millett and seconded by Winfred Stevens to find Mr. Breggia in violation of 32 M.R.S.A. §13067(1)(D) and (F) and §13197(1) and to order the immediate revocation of his associate broker license. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

Commission Decisions

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the Decision in the matter of Allan H. Davis v. Director. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed. Millett abstained. Motion carried.

A motion was made by David Kitchen and seconded by Winfred Stevens to accept the Decision in the matter of Director v. Donald P. Rivers. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed. Millett abstained. Motion carried.

A motion was made by David Kitchen and seconded by Winfred Stevens to accept the Decision in the matter of Director v. Gerald S. Nessmann. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed. Millett abstained. Motion carried.

Consent Agreements

A motion was made by Winfred Stevens and seconded by Sharon Millett to accept the proposed Consent Agreements in case numbers 2004-060, 2004-137, 2003-017, 2003-021, 2004-142, and 2004-144. Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2002-121. Millett recused and left the room. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

Dismissed Complaints

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Dismissals in case numbers 2003-053, 2004-129, 2003-035, 2004-131. Unanimous.

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Dismissal in case number 2003-045. Black recused and left the room. Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

Director's Report

Update – Draft Legislation: Waiting for the Governor's office to approve proposals that have been submitted by the Department.

Members received copies of the Canadian Regulators Agency report.

Proposed Fee Reduction: OLR fee rule is scheduled to become effective on December 1, 2004.

MREIS Rule Changes: The members discussed a rule adopted by MREIS regarding "seller information." Members agreed that this is not a Commission issue.

The Director commented on the Education Coordinator's progress with auditing educational programs.

Next Meeting Scheduled for December 16, 2004

The meeting was adjourned at 12:13 p.m.

This report respectfully submitted,

Earl Black
Chairman

Carol J. Leighton
Director